

A MEETING OF THE SODDY-DAISY  
MUNICIPAL PLANNING COMMISSION  
WAS HELD ON WEDNESDAY,  
JUNE 10, 2009 AT 12:00 NOON.

MEETING CALLED TO ORDER BY:  
CHAIRMAN ORR

MEMBERS PRESENT:  
CHAIRMAN ORR  
VICE-CHAIRMAN SKILES  
SECRETARY PENNEY  
COMMISSIONER HAYES  
COMMISSIONER RICHIE  
COMMISSIONER STOTTLEMIRE  
COMMISSIONER STULCE  
REC. SEC. DOLBERRY

The minutes of the meeting held May 13, 2009 were presented and approved as presented.

Chairman Orr noted that Item E should be omitted from the agenda.

OLD BUSINESS:

FINAL PLAT - 347 HYATTE ROAD AND 620 SEQUOYAH ROAD, POTEET-HAMILTON  
COUNTY DEPARTMENT OF EDUCATION SUBDIVISION, TOM POTEET  
AND HAMILTON COUNTY DEPARTMENT OF EDUCATION.

Bill Davis, Mathews Surveying, was present on behalf of Mr. Poteet. He stated that this is not a separate lot, but will be combined with Hamilton County's existing lot.

1<sup>st</sup> - Vice-Chairman Skiles to approve  
2<sup>nd</sup> - Commissioner Penney  
Ayes - Unanimous

ACCESS CONTROL - 9089 DAYTON PIKE, SODDY DAISY PEDIATRICS, SHAHLA A.  
KAUKAB, M.D.

SITE PLAN - 9089 DAYTON PIKE, SODDY DAISY PEDIATRICS, SHAHLA A. KAUKAB,  
M.D.

Chairman Orr stated that both of these items had been withdrawn indefinitely. Bill Davis, Mathews Surveying, stated that this was correct.

NEW BUSINESS:

FINAL PLAT - 8443 DAYTON PIKE, LOT 5, NORTH CHICKAMAUGA SUBDIVISION,  
JAMES FOLKNER.

Jane Copp, Copp Engineering, was present on behalf of Mr. Folkner. Chairman Orr gave the purpose of the plat to create one lot out of a larger tract.

1<sup>st</sup> - Secretary Penney to approve  
2<sup>nd</sup> - Vice-Chairman Skiles  
Ayes - Unanimous

FINAL PLAT - 1231 SEQUOYAH ROAD, LOT 1, JAMES S. HAMBY SUBDIVISION.  
ABANDONMENT OF RIGHT-OF-WAY REQUEST - 1231 SEQUOYAH ROAD, JAMES S.  
HAMBY SUBDIVISION.

Jane Copp was present on behalf of the request. Recording Secretary Dolberry stated that the request for abandonment of right-of-way and the final plat go hand in hand as the plat will be required to be attached to the ordinance. Chairman Orr stated that there seemed to be a large amount of property being requested to be abandoned. He said the Regional Planning Agency staff had recommended to deny the request, stating that should the City need this additional right-of-way in the future it would have to purchase it back from the property owner. Vice-Chairman Skiles asked if the City had abandoned right-of-way before. Recording Secretary Dolberry stated it had been done a few times with smaller portions or unopened right-of-way areas. Chairman Orr stated these had been small areas. Commissioner Stulce stated that he had a concern with the abandonment as he felt that Sequoyah Road may have to be widened in the event that the bridge is constructed across the river. Vice-Chairman Skiles stated that at the last meeting he attended in regard to the new bridge Sequoyah Road had been ruled out as a connector to the bridge due to traffic lights, the 4-way stop and school zones. Commissioner Richie noted that there is a sewer easement across the lot along with a large drainage ditch. Chairman Orr questioned the cost to the City at this time for upkeep of the property stating that in his opinion if there is little to no cost for maintenance he did not feel it should be abandoned. He asked Mr. Hamby if he had a specific use for the additional property. Mr. Hamby stated that he had no plans for the property at this time, but felt it could be used for additional parking in the future. Chairman Orr stated that the City might consider allowing Mr. Hamby to use the right-of-way for parking without the abandonment, but did not feel they would allow him to fence it. Commissioner Stottlemire said that should the need arise for Sequoyah Road to be widened to a four lane road, he did not feel this could be done if the abandonment is approved. Commissioner Hayes questioned the effect this could have on the right-of-way in front of the adjacent property owners. Chairman Orr stated that they too could ask for an abandonment. Commissioner Skiles stated that there are only approximately two other lots that could ask for an abandonment because at that point the right-of-way narrows back toward Sequoyah Road.

- 1<sup>st</sup> - Vice-Chairman Skiles to recommend approval of the right-of-way abandonment and to approve the plat subject to the abandonment ordinance being approved by the City Commission.
- 2<sup>nd</sup> - Commissioner Penney
- Ayes - Vice-Chairman Skiles, Commissioner Penney, Commissioner Stottlemire, Commissioner Richie, and Commissioner Hayes
- Nays - Commissioner Stulce, Chairman Orr

ACCESS CONTROL - 8443 DAYTON PIKE, IVY MANOR ACADEMY, DANA BERASHA.

Rusty Lewis, Lewis Construction; Chris Daly, Ivy Manor Academy Board Chairman; and Steve Bontekoe, Ivy Manor Academy Director of Programs and Operations (principal), were present on behalf of the request. Chairman Orr stated that a proposed hydrant was shown on the drawing and he asked if it had been installed. Mr. Lewis stated that the Fire Chief had requested the hydrant on the lot and it would be located no further than 250 feet from the building, but that it had not yet been installed. He stated that they planned to bore under Dayton Pike installing an 8 inch line to the new hydrant. Although expensive, this would benefit everyone. He stated that they need the site plan approved in order to purchase the building permit and begin construction by the end of June for their grant monies. He said the hydrant should be installed within the next two weeks. Chairman Orr noted that Public Works had requested a tile with spillways to be installed at the driveway entrance on Dayton Pike to handle the drainage from the lot as it is shown on the drawing to be draining toward Dayton Pike. Mr. Lewis stated that this is incorrect and the natural drainage is to the rear of the lot into an existing ditch. Chairman Orr asked if the elevation had been raised to drain toward Dayton Pike. Mr. Lewis stated that it had not. Chairman Orr stated that the topography shown on the drawing indicates that it has. Mr. Lewis stated that if this is to be draining toward Dayton Pike, then he understands that the pipe will be required and must be shown on the drawing. Commissioner Richie questioned if the water flow would be enough to furnish the hydrant. Mr. Lewis stated that they would only be going a short distance with the 8 inch line, the 8 inches would help the flow, but not the pressure. Mr. Lewis stated that Mile Straight Baptist Church had apparently installed lots of fill dirt on their lot adjacent to this parcel. The proposed school site is lower and drains to the rear into an existing ditch. He said that the school would have to be raised in order to drain toward Dayton Pike. Jane Copp, Copp Engineering, placed a telephone call to her office for clarification. Dustin with Copp Engineering said that the drawing is correct.

- 1<sup>st</sup> - Commissioner Stulce to approve the access control subject to the pipe and spillways being shown on the drawing and installed at the entrance on Dayton Pike.
- 2<sup>nd</sup> - Commissioner Stottlemire

Mr. Lewis questioned the size of the pipe to be installed. Chairman Orr stated that this would be determined by his engineer.

Ayes - Unanimous

SITE PLAN - 8443 DAYTON PIKE, IVY MANOR ACADEMY, DANA BERASHA.

Chairman Orr stated that the drawing shows three buildings to be installed for classrooms and questioned if three buildings would be adequate to house the maximum number of students to be enrolled in the next four years. Mr. Daly stated three buildings would be sufficient for two years of operation and at that time they may need to add an additional two buildings, but that would require fund raising or possible relocation. Vice-Chairman Skiles questioned the number of students when the school begins. Mr. Daly stated 60. Commissioner Richie questioned if restrooms would be installed in the portable buildings. Mr. Daly stated that the school would be a certified school with an open space area for meals and that the food would be catered. Chairman Orr stated that he felt the school would have to meet federal guidelines because of the grant monies being used. Mr. Daly stated that they would. Commissioner Penney questioned if this were a one of a kind school. Mr. Daly stated that there are other similar schools in other states, but this would be the first environmentally themed charter school in Tennessee. Chairman Orr stated that he knew they were on a tight time schedule to complete the construction, but emphasized that the hydrant would have to be installed and approved by the Fire Marshal prior to opening the school, the driveway and parking would have to be asphalt or concrete per Public Works, as well as all inspections passed, etc. prior to the opening. Mr. Bontekoe stated that in order meet ADA, the bus loading/unloading area would have to be on a hard surface. He said all the federal and state guidelines would have to be met prior to opening. Mr. Lewis stated that he understood, but would not have everything completed prior to the opening. He said they desired to have green spaces with permeable surface, a polymar base with water seepage in keeping with the theme of the school. Mr. Lewis stated that they would complete all of this at the end of the construction. Chairman Orr stated that the building would have to be approved by the State Fire Marshal's Office. Mr. Lewis stated that he had given this information to the architect yesterday. He said that the modular units are sitting on the site now. Mr. Daly stated that the architect had submitted these to the Fire Marshal's office for approval and he realized this was their problem. Commissioner Stulce stated although he realized time was a problem he would not be a part of approving the plans without the hydrant in place, the fire marshal's approval, and the paving of the driveway and parking lot. Mr. Lewis stated that all would be done before final inspection was made. He said that he is not asking for a Certificate of Occupancy, but a permit to begin construction. Commissioner Stulce stated that all the requirements of the City would have to be met before the final inspection. Commissioner Hayes questioned when the first day of school would be. Mr. Daly stated August 12. Chairman Orr stated that this would be in approximately 8 weeks. Mr. Lewis stated that there are deadlines on federal grants. Commissioner Penney asked who would be responsible for maintenance of the grounds. Mr. Daly stated that at this time he did not know. Mr. Lewis stated that there would be brick on the fronts of the buildings facing the street. Commissioner Stulce made a motion to approve the site plan so that construction could begin, but that the fire hydrant and sprinklers would have to be installed and approved and the driveway and parking lot would have to comply with the regulations of pavement with the public works department. Mr. Lewis stated that they may request a final inspection prior to this, and would be willing to sign a form stating that they would complete these items by a particular date. The portables met State Fire Marshal approval prior to purchase and they would be responsible for being sure that all requirements are met. Mr. Daly said that the sprinkler system had been removed and would be reinstalled to meet with the guidelines of this State's Fire Marshal. Commissioner Stulce stated that he would not be a part of approving anything that doesn't have the Fire Marshal's approval or the hydrant installed as required prior to opening. He said that if the pavement does not meet this City's requirements then he was not in favor of approving the development either as the pavement is necessary due to the amount of traffic. He said that he will not be a part of approving anything with the condition of eventually it will be done. Mr. Lewis said that he is not asking for approval to operate the school, but just

for approval to get a permit for construction. Inspections will have to be made and then a Certificate of Occupancy issued after completion of all the requirements. Recording Secretary Dolberry stated that policy is everything including driveway and parking would have to be completed prior to a final inspection and issuance of a certificate of occupancy.

1<sup>st</sup> - Commissioner Stulce to approve subject to meeting the recommendation of the fire marshal for the fire hydrant and sprinkler system installation, before opening the driveway and parking lot must comply with the requirements of the City of Soddy-Daisy Public Works Department prior to opening.

2<sup>nd</sup> - Commissioner Hayes

Chairman Orr questioned if Public Works approved without paving, then would Commissioner Stulce be okay with it. Commissioner Stulce said not at this time as he felt the only way to change that requirement would be for the Public Works Department to come to the Commission with their reason for the change, but at this time they have stated that the pavement is a requirement. Commissioner Stulce stated that he did not feel the Commission should change their way of doing business just because Mr. Daly has a deadline. Mr. Daly stated that he would not pave the parking lot until later and asked if he could have 2 weeks after completion to install the asphalt. Mr. Daly assured the Commission that he too wanted the paving completed. The Commission did not grant an extension.

Ayes - Unanimous

REZONING REQUEST - 11319 DAYTON PIKE, FROM R-3 TO R-T/Z, J. ANDRE`  
NEWMAN. RECOMMENDATION TO THE CITY COMMISSION.

Andre` Newman was present on behalf of the request. He told the Commission that he had decided not to sell the property, but to develop it himself. He said that he had hired Scott Wright, Architect, to help him with the design. He said that there would be 37 units individually sold, not rented. He said he planned to develop the property in phases. Mr. Newman stated that Phase I would include the demolition of everything on the property, construction and dedication of the proposed street, and development of the first 6 units around the cul-de-sac. Chairman Orr stated that the previous zoning request had included the widening of Ducktown Street on the South side from the property to Dayton Pike. Mr. Newman stated that if the Commission required it then he could show it on the plan. Chairman Orr stated that the site plan would need to reflect this widening. Chairman Orr stated that the present right-of-way is 40 feet. Mr. Newman stated that this should not be a problem at all. Commissioner Hayes questioned the size of the units. Mr. Newman stated that they would be 1,760 square feet plus the garage. He said there would be a downstairs living area with two bedrooms upstairs. Commissioner Stulce asked if Mr. Newman would agree to widen Ducktown Street. Recording Secretary Dolberry stated that the buildings will have to meet the 25 foot front setback requirement as well as the 8 percent open space requirement and that with the widening of Ducktown Street a unit or two may be lost in order to comply with these regulations. Chairman Orr stated that with the existing 40 foot right-of-way the road could possibly be widened within the exiting right-of-way without actually moving the property line. The widening would fit within the existing right-of-way. Chairman Orr stated that Ducktown Street would need to be widened and there would need to be two lanes from the west side of the new proposed road to Dayton Pike. Chairman Orr asked Mr. Newman if he would have any problem paving this additional width. Mr. Newman stated that he would not. There was no opposition present.

1<sup>st</sup> - Commissioner Stottlemire to recommend approval of the rezoning request to the City Commission with the stipulation of the developer widening Ducktown Street on the south side from the west side of the proposed new street to Dayton Pike.

2<sup>nd</sup> - Commissioner Skiles

Ayes - Unanimous

Mr. Allender was present and stated that he had a plat submitted for approval for the placement of a mobile home on a three acre tract. He said that the health department was requiring some changes. He said that he has not been able to get in touch with the surveyor, Mr.

Bice, Allen Surveying. Recording Secretary Dolberry stated that the plat had not been resubmitted at this time. She advised him to contact Mr. Bice to submit a subdivision plat for the property.

ADJOURNED 1:20 P.M.

REC. SEC. DOLBERRY